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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THOMAS CARLSON,)	CASE NO. 04-5309 PJH (MEJ)
Plaintiff,)	STIPULATION AND
vs.)	[PROPOSED] ORDER
)	CONTINUING NON-EXPERT
)	DISCOVERY CUTOFF
VENTURE WEST, INC., <i>in personam</i> ,)	
and F/V VENTURE WEST, Official No.)	
606361, its engines, tackle, apparel,)	
furniture, etc., <i>in rem</i> , and PACIFIC)	
CHOICE SEAFOOD, INC., <i>in personam</i> ,)	
Defendants.)	

Plaintiff, Thomas Carlson, and Defendants, Venture West, Inc. and Pacific Choice Seafood, Inc., jointly submit this Stipulation and [Proposed] Order Continuing Non-Expert Discovery Cutoff.

1. DISCOVERY

The parties provided the following information regarding the completion of certain discovery in their Joint Case Management Conference Statement that was filed on October 6, 2005, as follows:

To date, the following depositions have been taken by Defendants: Plaintiff, Thomas Carlson; Plaintiff's wife, Daisy Carlson; Troy Marcroft, forklift operator for Pacific Choice Seafood, Inc.; Nathan Shishido, M.D.; and Andy and Diane Cipollo, former neighbors of the Carlsons. The depositions of Curt Meng, Captain of the F/V VENTURE WEST and Leslie Anderson, M.D. were also noticed, but taken off calendar. Plaintiff has been examined by Defendants' medical expert, Victor Prieto, M.D., pursuant to Federal Rule of Civil Procedure, Rule 35. Dr. Prieto's Report has been provided to Plaintiff. Substantial written discovery has been conducted. Plaintiff anticipates serving written discovery on both Defendants.

The parties also advised that if the case did not settle while participating in alternative dispute resolution, they would require additional discovery for trial purposes, including depositions.

At the October 13, 2005 Case Management Conference, this Court ordered the parties to participate in a settlement conference with Magistrate Judge Larson or Magistrate Judge James within 60 days or as soon thereafter as is convenient for the assigned Judge. The Court also set the following pre-trial and trial dates:

Non-Expert Discovery Cutoff	April 5, 2006
Last Day for Hearing Dispositive Motions	June 7, 2006
Disclosure of Experts	June 16, 2006
Expert Discovery Cutoff	July 28, 2006
Final Pretrial Conference	September 28, 2006 at 2:30 p.m.
Trial Date	October 30, 2006 at 8:30 a.m.

2. SETTLEMENT CONFERENCE

An order was initially issued by Judge James setting the conference for January 16, 2006 (a court holiday). In January 2006, however, the parties learned that the conference was actually set for January 23, 2006. Since counsel and all parties were not available on January 23, the conference was continued to the first, mutually- available date, which was March 13, 2006 at 2:00 p.m. The parties fully participated in the conference on March 13 without being able to resolve the matter.

Since the parties were unable to resolve this matter, the parties need additional time in which to complete non-expert discovery and be sufficiently prepared for trial before the present cutoff date of April 5, 2006. The parties, therefore, stipulate and respectfully request that the cutoff date be extended for one month to May 5, 2006. Extending the non-expert discovery deadline at this time does not impact the other pretrial deadlines.

IT IS SO STIPULATED.

Dated: March 16, 2006 BANNING MICKLOW BULL & LOPEZ LLP

By: /s/ Jennifer L. Fiore
 EDWARD M. BULL, III
 EUGENE A. BRODSKY
 JENNIFER L. FIORE
 Attorneys for Plaintiff
 THOMAS CARLSON

Dated: March 17, 2006 GIBSON ROBB & LINDH, LLP

By: /s/ G. Geoffrey Robb
 G. GEOFFREY ROBB
 Attorneys for Defendants
 VENTURE WEST, INC. and F/V
 VENTURE WEST

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1 Dated: March 16, 2006

CLAPP, MORONEY, BELLAGAMBA and
VUCINICH

3 By: /s/ Jeffrey M. Vucinich

JEFFREY M. VUCINICH

STEVE HARRINGTON

JOSHUA W. ROSE

Attorneys for Defendants

PACIFIC CHOICE SEAFOOD, INC.

8 **ORDER**

9 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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11 Dated: March 27
_____, 2006

12 THE HONORABLE PHYLLIS J. HAMILTON
13 UNITED STATES DISTRICT COURT
14 JUDGE

